

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BLUE SKY BIO, LLC,)	
)	
Plaintiff,)	
)	Case No. 10 C 4612
v.)	
)	Honorable Suzanne B. Conlon
FEDERAL INSURANCE COMPANY,)	
)	
Defendant.)	

**PLAINTIFF BLUE SKY BIO, LLC'S
CROSS-MOTION FOR JUDGMENT ON THE PLEADINGS**

Plaintiff Blue Sky Bio, LLC ("Blue Sky"), moves for Judgment on the Pleadings on the issue of defendant Federal Insurance Company's ("Federal") duty to defend Blue Sky in the matter of *Nobel Biocare USA, LLC, et al. v. Blue Sky Bio, LLC*, Case No. CV08-1407 (C.D. Cal. 2008), which involved claims for trademark infringement that obligated Federal to defend Blue Sky under the applicable Federal liability policies at issue. As set forth in Blue Sky's accompanying Memorandum, which is incorporated by reference, Federal's attempt to justify its improper refusal to defend Blue Sky is undermined by the plain language of the policies at issue and by recent federal court decisions finding a duty to defend under circumstances almost identical to those present here.

WHEREFORE, plaintiff Blue Sky Bio, LLC prays that this Court enter judgment in Blue Sky's favor and against Federal on the issue of Federal's duty to defend.

/s/Robert A. Chapman

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CERTIFICATE OF SERVICE

I, Robert A. Chapman, an attorney, hereby certify that on October 4, 2010, I caused the foregoing to be electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Robert A. Chapman